



# CITY OF HUNTINGTON BEACH

2000 MAIN STREET  
P.O. BOX 70

POLICE DEPARTMENT

CALIFORNIA 92648

Tel: (714) 960-8811

KENNETH W. SMALL  
Chief of Police

## ENTERTAINMENT PERMIT

THE PERMITTED LOCATION SHALL OPERATE IN COMPLIANCE WITH THE BELOW LISTED CONDITIONS AND SECTION 5.44 OF THE HUNTINGTON BEACH MUNICIPAL CODE AT ALL TIMES.  
THIS PERMIT IS NON-TRANSFERABLE.

Issued to: **Sharkeez**  
**211 Main Street**  
**Huntington Beach, CA 92648**

Effective Dates: **March 1, 2013 to February 28, 2014**

### Entertainment Permit Conditions

1. Hours of entertainment:

Monday – Friday:	11:00 AM to 1:00 AM
Saturday – Sunday:	9:00 AM to 1:00 AM
2. All entertainment must cease no less than 30 minutes prior to the posted or scheduled closing time, and no later than the time authorized by this permit.
3. Types of Entertainment: Limited to a disc jockey, live bands and karaoke.
4. Fashion shows are prohibited.
5. Dancing is prohibited.
6. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.
7. Food service from the regular menu must be available to patrons up to one hour before the scheduled closing time.
8. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
9. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed, including no promotional drink specials or reduced drink specials.
10. All exterior doors and windows shall be closed during times of entertainment.
11. All live entertainment must remain inside the establishment at all times.
12. Security Guards: At least three when entertainment is present.
13. All security guards must be clearly identifiable as security guards and possess a valid California Guard Card.
14. The licensee or any representatives of the licensee may not pay a promoter for services based upon occupancy or attendance to an event.
15. Sharkeez shall close no later than 1:30 AM.
16. No new customers will be allowed entry after 1:00 AM.
17. Sales and service of alcoholic beverages shall cease at 1:15 AM.
18. Only service of single sized alcoholic beverages will be allowed after midnight.
19. All employees shall complete an ABC approved training class within 30 days of being hired, and they shall complete the program every 12 months thereafter.

## ENTERTAINMENT PERMIT

20. Sharkeez shall institute measures to discourage drinking and driving, including making announcements and placing signs within the business, discouraging guests from drinking and driving.
21. Sharkeez shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and entertainment areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations.
22. Per section 5.44.140 HBMC: All owners, employees, representatives, and agents shall obey all state, local, and municipal laws, conditions of the Conditional Use Permit, Entertainment Permit, Alcoholic Beverage Control License, or any other regulations, provision, or restrictions prescribed at all times. Any violations of any law or conditions will be considered violations of the permit to constitute permit suspensions or revocation in addition to civil or criminal enforcement.

**You are hereby reminded of the below listed CUP Special Conditions and ABC Special Conditions that directly affect your Entertainment Permit. Refer to your CUP and ABC License for a complete list of conditions imposed on your establishment. A violation of any of these conditions is also considered a violation of your Entertainment Permit.**

### **Conditional Use Permit (CUP) Special Conditions** (CUP 93-25)

1. The hours of operation shall be limited to: Restaurant,      Sunday - Thursday 6:30 AM to 2:00 AM  
Friday - Saturday 6:30 AM to 6:30 AM  
Outdoor dining,      Everyday 6:30 AM to 12:00 AM
2. Alcoholic beverages shall not be served on public property.
3. A minimum of 3 feet shall be provided between tables on public property.
4. The outdoor dining areas shall be separated from the public passage area of the sidewalk by a cordon. Minimum sidewalk clearance width shall be five (5) feet.
5. Outdoor dining on public property shall comply with all provisions of the sidewalk café ordinance when adopted which are more restrictive than the conditions herein.
6. Live entertainment shall be restricted to the interior of the building.

### **ABC License Special Conditions** (#47-416401)

1. There will be no dancing allowed on the premises.
2. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.
3. At all times when the premises are open for business, food from the regular menu must be available to patrons up to thirty minutes before closing.
4. No "happy hour" type of reduced price alcoholic beverage promotions shall be allowed, including no promotional drink specials or reduced drink specials.
5. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
6. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

# ENTERTAINMENT PERMIT

**The following conditions pertain to the outdoor patio located adjacent to Main Street. This outdoor patio is separated from the building by a public walkway approximately eight (8) feet wide.**

7. Sales and service of alcoholic beverages in said patio area shall be permitted only between the hours of 11:00 am and 9:30 pm each day of the week.
8. Consumption of alcoholic beverages in said patio area shall be permitted only between the hours of 11:00 am and 10:00 pm each day of the week.
9. Sales and service of alcoholic beverages on said patio area shall be restricted to waiter/waitress service and only to patrons seated at a table.
10. When the said patio area of the premises is being utilized for the sales, service and consumption of alcoholic beverages, a premises employee shall be in attendance and maintain continuous supervision at all times of said area.
11. Said patio area shall be fully enclosed with a fixed barrier and shall have only one (1) entrance/exit point.
12. A sign shall be posted in a conspicuous place at the entrance/exit point of said patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". Said sign shall measure no less than seven inches by eleven inches (7"x11"), and contain lettering no less than one (1) inch in height.
13. No patron will be permitted to carry an alcoholic beverage from the interior portion of the premises to said patio area, or from said patio area to the interior portion of the premises.
14. Sales, service and consumption of alcoholic beverages on said patio area shall be limited to glass containers not exceeding twelve (12) ounces in size. No bottles or pitchers will be permitted on said patio area.
15. There shall be no entertainment permitted on said patio area at any time.
16. The petitioner(s) shall be responsible for all violations of law which may occur within the interior portion of the premises, in said patio area, and in the public walkway which separates the interior portion of the premises from said patio area.

[illegible]

Issued: March 6, 2013

*Kenneth W. Small* (ACTING C.O.P.)  
Kenneth W. Small  
Chief of Police

KS:jm

RESOLUTION NO. 2013-24

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HUNTINGTON BEACH ESTABLISHING CONDITIONS OF  
APPROVAL FOR EATING AND DRINKING ESTABLISHMENTS WITH  
ALCOHOLIC BEVERAGE SALES AND LIVE ENTERTAINMENT

WHEREAS, the City of Huntington Beach desires to maintain a vibrant and safe downtown commercial area to be enjoyed by visitors, residents and families; and

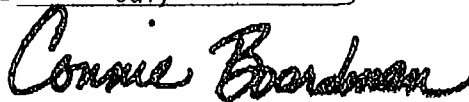
Toward that end, the City Council has established standardized Conditions of Approval for Conditional Use Permits in the Downtown Specific Plan District 1 area with alcoholic beverage sales and/or an entertainment permit,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. That the Conditions of Approval set forth in Exhibit A attached hereto and incorporated by this reference shall apply to all eating and drinking establishments located in the designated area with alcoholic beverage sales.
2. That the Conditions of Approval set forth in Exhibit B attached hereto and incorporated by this reference shall apply to all eating and drinking establishments located in the designated area with alcoholic beverage sales and live entertainment.
3. These proposed conditions shall apply to conditional use permit applications applied for subsequent to adoption of this Resolution for new uses and amendments to existing conditional permit use applications and shall remain in effect as part of the Conditional Use Permit via a public hearing. Any amendments to these conditions must be approved by the City Council.

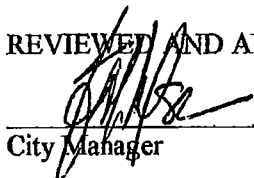
4. Resolution No. 2011-16 is hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 1st day of July, 2013.



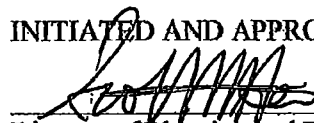
Mayor

REVIEWED AND APPROVED:



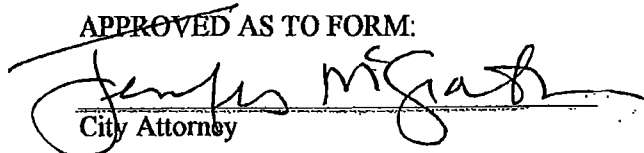
City Manager

INITIATED AND APPROVED:



Director of Planning and Building

APPROVED AS TO FORM:



City Attorney

EXHIBIT A

EATING AND DRINKING ESTABLISHMENTS WITH ALCOHOLIC BEVERAGE SALES:

The following standard Conditions of Approval shall be part of any Conditional Use Permit from the Zoning Administrator or Planning Commission for the establishment of any eating and drinking establishment with alcohol beverage sales located within the Downtown Specific Plan area, District 1:

- 1) Hours of operation shall be limited to between 7:00 a.m. to 12:00 a.m. midnight except for a business proposed in the following locations:
  - a. West side of 5<sup>th</sup> Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. to 10:00 p.m.
  - b. East side of 3<sup>rd</sup> Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m.
- 2) A minimum of 70 percent of the net floor area of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas.
- 3) Full food service menus shall be served, at a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times.
- 4) Alcoholic drinks shall not be included in the price of admission to any establishment.
- 5) There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
- 6) All alcohol shall remain on the establishment's premises, including within outdoor dining areas.
- 7) An employee of the establishment must be present at all times in areas within the establishment where alcohol is served.
- 8) All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business.
- 9) Dancing and/or dance floor and/or live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City.
- 10) Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
- 11) The establishment shall follow all conditions of the alcohol license issued by the California Department of Alcoholic Beverage Control, as well as all other relevant portions of the Huntington Beach Zoning and Subdivision Ordinance and Huntington Beach Municipal Code.

- 12) No new customers shall be permitted after 30 minutes before closing.
- 13) Last call for drinks shall be no later than 15 minutes before closing.
- 14) Only single-sized drinks and no multiple drinks shall be served after midnight.
- 15) Signage, posters, and advertizing with "Do Not Drink and Drive" shall be posted in the business.
- 16) Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review.
- 17) Establishments shall install and maintain a video surveillance system to monitor public area of premises and shall make the video available to the police department for any criminal or civil investigation.

**EXHIBIT B**

**EATING AND DRINKING ESTABLISHMENTS WITH  
ALCOHOLIC BEVERAGE SALES AND LIVE ENTERTAINMENT:**

The following standard Conditions of Approval shall be part of any Conditional Use Permit from the Zoning Administrator or Planning Commission and the Entertainment Permit from the Police Department for the establishment of any eating and drinking establishment located within the Downtown Specific Plan area with alcohol beverage sales and entertainment, District 1:

- 1) Hours of operation shall be limited to between 7:00 a.m. to 12:00 a.m. midnight except for a business proposed in the following locations:
  - a. West side of 5<sup>th</sup> Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. to 10:00 p.m.
  - b. East side of 3<sup>rd</sup> Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m.
- 2) A minimum of 70 percent of the net floor area of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas.
- 3) The seating capacity at all times within the dining area, excluding outdoor dining areas, shall be able to accommodate a minimum of 100 people.
- 4) Full food service menu items shall be served, a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times.
- 5) Alcoholic drinks shall not be included in the price of admission to any establishment.
- 6) There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
- 7) All alcohol shall remain on the establishment's premises, including within outdoor dining areas.
- 8) An employee of the establishment must be present at all times in areas within the establishment where alcohol is served.
- 9) If dancing is allowed, the activity must be specifically identified as part of the Entertainment Permit and only in a pre-approved designated area.
- 10) Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
- 11) No outside promoters can be used under any circumstances.
- 12) All exterior doors and windows shall be closed at all times during live entertainment.



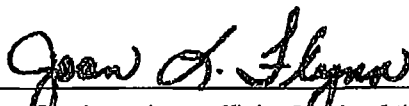
- 13) All amplified entertainment conducted by a performer shall be confined indoors at all times.
- 14) If outdoor entertainment is allowed, it shall be limited to:
  - a) Non-amplified entertainment with no more than two performers.
  - b) Amplified entertainment limited to ambient music only.
- 15) Any outdoor entertainment shall not be audible beyond 50 feet of the source of the entertainment.
- 16) No entertainment shall be audible beyond 50 feet of the business in any direction.
- 17) All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business.
- 18) All provisions of the entertainment permit required by section 5.44 of the Huntington Beach Municipal Code shall continue to apply.
- 19) No new customers shall be permitted after 30 minutes before closing.
- 20) Last call for drinks shall be no later than 15 minutes before closing.
- 21) Only single-sized drinks and no multiple drinks shall be served after midnight.
- 22) Signage, posters, and advertizing with "Do Not Drink and Drive" shall be posted in the business.
- 23) Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review.
- 24) Establishments shall install and maintain a video surveillance system to monitor public area of premises and shall make the video available to the police department for any criminal or civil investigation.

REST OF PAGE NOT USED

STATE OF CALIFORNIA  
COUNTY OF ORANGE                     ) ss:  
CITY OF HUNTINGTON BEACH         )

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **Regular** meeting thereof held on **July 1, 2013** by the following vote:

**AYES:** Sullivan, Hardy, Boardman, Carchio, Shaw, Katapodis  
**NOES:** Harper  
**ABSENT:** None  
**ABSTAIN:** None

  
\_\_\_\_\_  
City Clerk and ex-officio Clerk of the  
City Council of the City of  
Huntington Beach, California

# **BROKEN WINDOW THEORY**

## **Downtown Specific Plan**

### **Crime Prevention Through Environmental Design 1.6.4**

#### **Maintenance 1.6.4.5**

The maintenance concept is built off of the “Broken Window” theory, which holds that one broken window, or other nuisance, in a neighborhood indicates a lack of concern by the community and will ultimately lead to a proliferation of broken windows, or other nuisances, in the neighborhood.

Neglected and poorly maintained properties indicate less concern and control by the owners and intended users of a property and often feature high crime activity. Care and maintenance of a property allows for the continued use of the space for its intended purpose.



Corner of PCH and 6th Street

# STAFF REQUEST

**List of all ABC License Holders in DTSP District 1  
with the following information:**

Name of Establishment

Location \*

Business Owner

Property Owner

Date Business Established (MM/YY)

License Type \*\*

CUP (Y or N)

EP (Y or N)

Closing Time Saturday Night (Actual vs CUP vs EP)

Total Seating Capacity Inside and Outside

Last 12 months HBPD Calls for Service

Last 12 months Sales Tax Revenue to the City

###

How many businesses are in District 1 that do not  
have an alcohol license?

\* First Block on Main, Second Block off Main, Strand

\*\* 21, 41, 42, 47, 48, 75

# **HBDRA**

## **A Public Safety Study of Downtown Huntington Beach**

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**Huntington Beach Downtown Residents Association (HBDRA.com)**

419 Main St., Suite 321, Huntington Beach, CA 92648 • 714.374.3295 • HBDRA@HBDRA.com

# Huntington Beach Downtown Residents Association (HBDRA.com)

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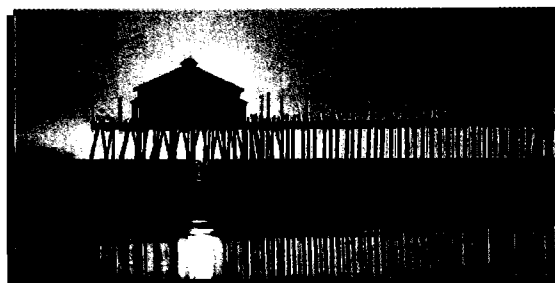
## **PURPOSE:**

The purpose of this report is to provide the City of Huntington Beach, specifically our City Council and City Staff, with detailed information regarding alcohol related public safety issues in the Downtown Neighborhood of Huntington Beach.

The HBDRA believes that the best decisions are made when one has accurate information available to them. We ask our City Council and City Staff to please consider the information in this report when making decisions that affect quality of life and public safety for the Downtown Residents and the City of Huntington Beach.

The HBDRA acknowledges and appreciates the efforts of the Huntington Beach Police Department to ensure the public welfare and public safety under very difficult circumstances.

If there are any questions regarding this report, please contact HBDRA@HBDRA.com.



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## OTS REPORT

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The following information is from the State of California Office of Traffic Safety (OTS) as of January 25, 2011. The website is [www.ots.ca.gov](http://www.ots.ca.gov). Some additional data regarding alcohol licenses was collected from the California Department of Alcohol Beverage Control (ABC) as of January 26, 2011. The website is [www.abc.ca.gov](http://www.abc.ca.gov).

### BACKGROUND:

- 1) There are 480 cities in the State of California.
- 2) For the purpose of analyzing Traffic Safety, OTS categorizes cities based on 2009 population:

Group A:	13 cities	population over 250,000
Group B:	56 cities	population 100,001-250,000
Group C:	104 cities	population 50,001-100,000
Group D:	98 cities	population 25,001-50,000

Cities under a population of 25,000 are not included.
- 3) Huntington Beach is included in Group B with a population of 202,857 and it is the 20th largest city in the State.
- 4) OTS incorporates data from the following organizations:
  - California Highway Patrol
  - Caltrans
  - California Department of Finance
  - California Department of Justice
- 5) OTS data is for 2009. Data for 2010 will not be available until November, 2011.

### ANALYSIS:

The purpose of this analysis is to demonstrate that the City of Huntington Beach has a disproportionate number of **Alcohol Related Traffic Safety Issues** as compared to other cities in California.

**Further analysis** will demonstrate that the City of Huntington Beach and specifically the area known as "Downtown" has an undue concentration and over saturation of alcohol licenses that are the major contributing factor to these Alcohol Related Traffic Safety Issues as reported by OTS, as well as other Alcohol Related Crimes and Crimes in General as reported by the Huntington Beach Police Department.

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## OTS REPORT

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- 1) If we examine the 69 largest cities in California, those with a population of 100,000 or more (Groups A and B combined), here are the results:

### **Alcohol Related Traffic Accidents per Capita\* - Huntington Beach is #1**

That's more Alcohol Related Traffic Accidents per capita in Huntington Beach than the 19 largest cities in California (Huntington Beach is the 20th largest city in the state), including Los Angeles, San Diego, San Francisco, San Jose and 15 other cities larger than Huntington Beach in population.

- 2) In terms of just pure numbers (not per capita) of Alcohol Related Traffic Accidents, Huntington Beach is #8 in the entire state of 480 cities. That's in the top 1.7% of all California cities.

Huntington Beach had 17% more Alcohol Related Traffic Accidents than the nearby city of Long Beach, which has a population 2-1/2 times larger than Huntington Beach and 9% more than Anaheim and Santa Ana each with a population almost twice that of Huntington Beach.

- 3) If we review the 56 cities in Group B, then Huntington Beach ranks as follows:

#7 Population

#2 Number of Alcohol Related Traffic Accidents

#1 Alcohol Related Traffic Accidents per Capita

#1 Number of DUIs

#4 DUIs per Capita

#1 DUIs per DVMT (Daily Vehicle Miles Traveled)

#1 Number of Nighttime Accidents (from 9:00 pm - 2:59 am)\*

\* It is reasonable to surmise that this is a direct result of the Late Night Bar Scene in Downtown Huntington Beach.

\* NOTE: For the purpose of this report, "Alcohol Related Traffic Accidents" is by OTS definition **where victims were either killed or injured.**



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## OTS REPORT

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### 4) HUNTINGTON BEACH RANKINGS and TRENDS: 2006 - 2009 (Group B)

#### Number of Alcohol Related Traffic Accidents:

2006 Ranking	#2
2007 Ranking	#3
2008 Ranking	#2
2009 Ranking	#2

#### Alcohol Related Traffic Accidents per Capita:

2006 Ranking	#8
2007 Ranking	#7
2008 Ranking	#4
2009 Ranking	#1

#### Number of DUIs:

2006 Ranking	#1
2007 Ranking	#1
2008 Ranking	#1
2009 Ranking	#1

#### DUIs per Capita:

2006 Ranking	#3
2007 Ranking	#2
2008 Ranking	#3
2009 Ranking	#4

#### DUIs per DVMT (Daily Vehicle Miles Traveled):

2006 Ranking	#3
2007 Ranking	#2
2008 Ranking	#1
2009 Ranking	#1

#### Number of Nighttime Accidents (from 9:00 pm - 2:59 am)\*:

2006 Ranking	#2
2007 Ranking	#3
2008 Ranking	#2
2009 Ranking	#1

\* It is reasonable to surmise that this is a direct result of the Late Night Bar Scene in Downtown Huntington Beach.

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## OTS REPORT

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- 5) Based on the information reported by OTS, a person driving their car in Huntington Beach has a greater chance of getting involved in an Alcohol Related Traffic Accident resulting in injury or death than the 69 largest cities in the entire State of California.

By way of example, that's 7 times greater than Daly City,

4 times greater than Irvine, and

2 times greater than Pomona.

### **CONCLUSION:**

The City of Huntington Beach demonstrates a serious and significant problem with Alcohol Related Traffic Safety Issues and is now ranked #1, 2, 3 or 4 by the State of California Office of Traffic Safety in every category reported.

The data over the last four years illustrates a serious and significant worsening trend and/or a continuing problem that is not showing any meaningful signs of improvement.

The number of alcohol licenses in Huntington Beach, specifically Type 47 (On Sale General for Bona Fide Public Eating Place) is clearly a contributing factor. Of the 56 cities in Group B, Huntington Beach ranks #4 in the total number of active or pending Type 47 licenses. Over 28% of these Huntington Beach licenses are located in the Downtown area of Huntington Beach, which represents only 0.56% (approximately 1/2 of 1%) of the total size of the City in area.

Specifically, there are 92 Type 47 licenses in Huntington Beach of which 28 are located Downtown. If the number of Type 47 licenses Downtown was scaled up to the size of the entire City, then the number of Type 47 alcohol licenses of 92 citywide would actually be . . . . 5,040. The Downtown area of Huntington Beach has 54.8 times more Type 47 alcohol licenses per square mile than the City as a whole.

**Further analysis** will reveal a direct correlation between an undue concentration and over saturation of alcohol licenses in the Downtown area of Huntington Beach and Alcohol Related Traffic Safety Issues as reported by OTS, as well as other Alcohol Related Crimes and Crimes in General as reported by the Huntington Beach Police Department.

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## HBPD REPORT

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The following information is based on crime data reported by the Huntington Beach Police Department (HBPD) for the two year period starting January 1, 2009 and ending December 31, 2010.

### BACKGROUND:

- 1) There are three primary alcohol-related crimes. They are:
  - DUIs
  - Assaults
  - Drunk in Public
- 2) There are two geographic "Crime Hot Spots" in the Downtown area of Huntington Beach for which the HBPD maintains separate crime data:
  - Hot Spot #1 = DUI Arrests
  - Hot Spot #2 = Assaults and Drunk in Public Arrests

These Hot Spots encompass the entire Downtown area known as the "Downtown Bar Scene" or "Downtown Entertainment District" and are shown on the maps on the next two pages of this report.

Based on the total of 27.0 square miles for the City of Huntington Beach, each Hot Spot is represented statistically as follows:

Hot Spot #1 = 0.15 sq. miles = 0.56% of the City in area

Hot Spot #2 = 0.07 sq. miles = 0.26% of the City in area

Each Hot Spot represents approximately 1/2 of 1% and 1/4 of 1% of the City in total area, respectively.

### ANALYSIS:

The purpose of this analysis is to demonstrate that the City of Huntington Beach has a disproportionate amount of alcohol consumption in the Downtown area which contributes to an undue concentration and over saturation of Alcohol Related Crimes and Crimes in General.

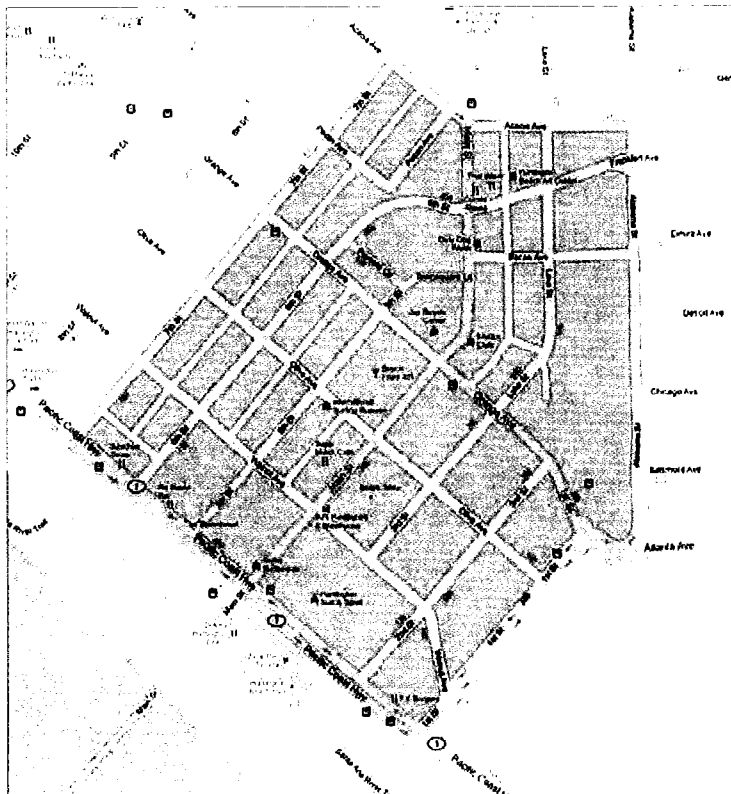
**Further analysis** will demonstrate that this results from an undue concentration and over saturation of alcohol licenses in the Downtown area of Huntington Beach. This contributes to an atmosphere that fosters over-drinking, reckless behavior and an unsafe environment affecting both residential quality of life and public safety for the Downtown Residents and the City of Huntington Beach in general.

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## HBDRA REPORT

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### HBDRA CRIME HOT SPOT #1

0.15 sq. miles

0.56% of the City in area

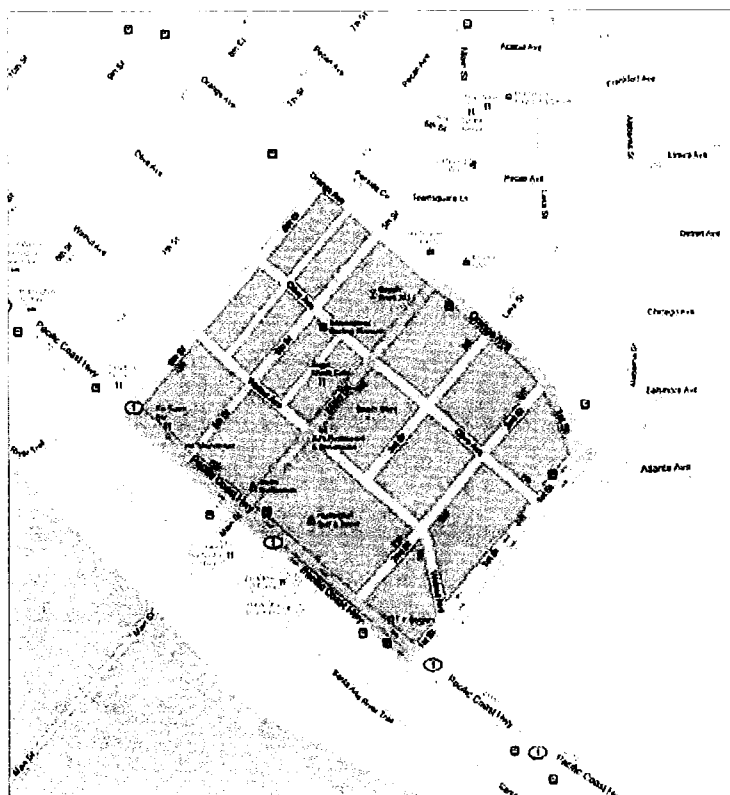
41 Alcohol Licenses

### HBDRA CRIME HOT SPOT #2

0.07 sq. miles

0.26% of the City in area

37 Alcohol Licenses

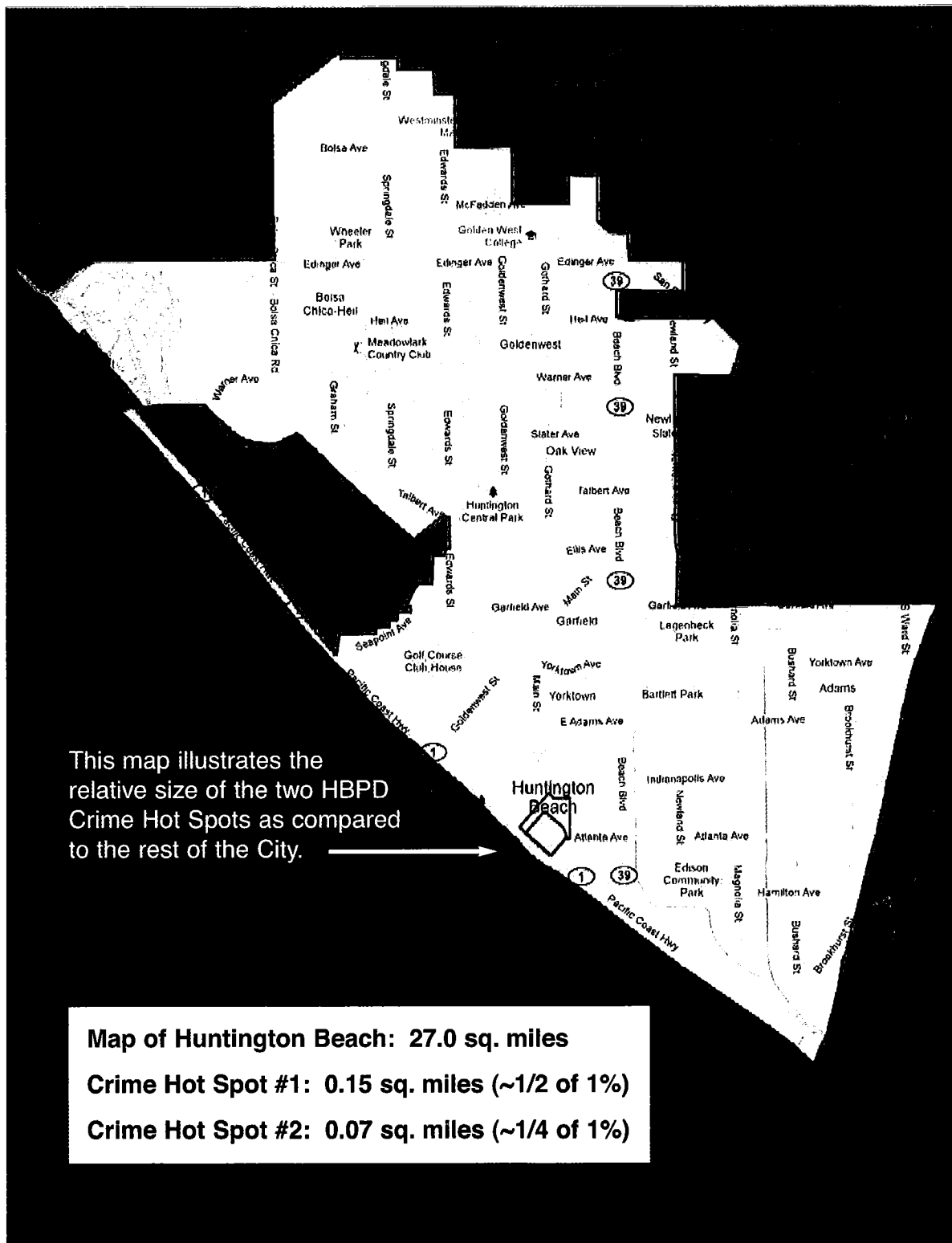


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## HBDRA REPORT

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# Huntington Beach Downtown Residents Association (HBDRA.com)

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## HBPD REPORT

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### HBPD CRIME HOT SPOT #1: DUI ARRESTS

The data reported by the HBPD is for DUI Arrests made within Hot Spot #1. Currently, the HBPD does not report DUI Arrests made outside of the Hot Spot and attributed to alcohol consumption within the Hot Spot.

For information regarding DUI Arrests Citywide and other Alcohol Related Traffic Issues, please see pages 3 through 6 of this report.

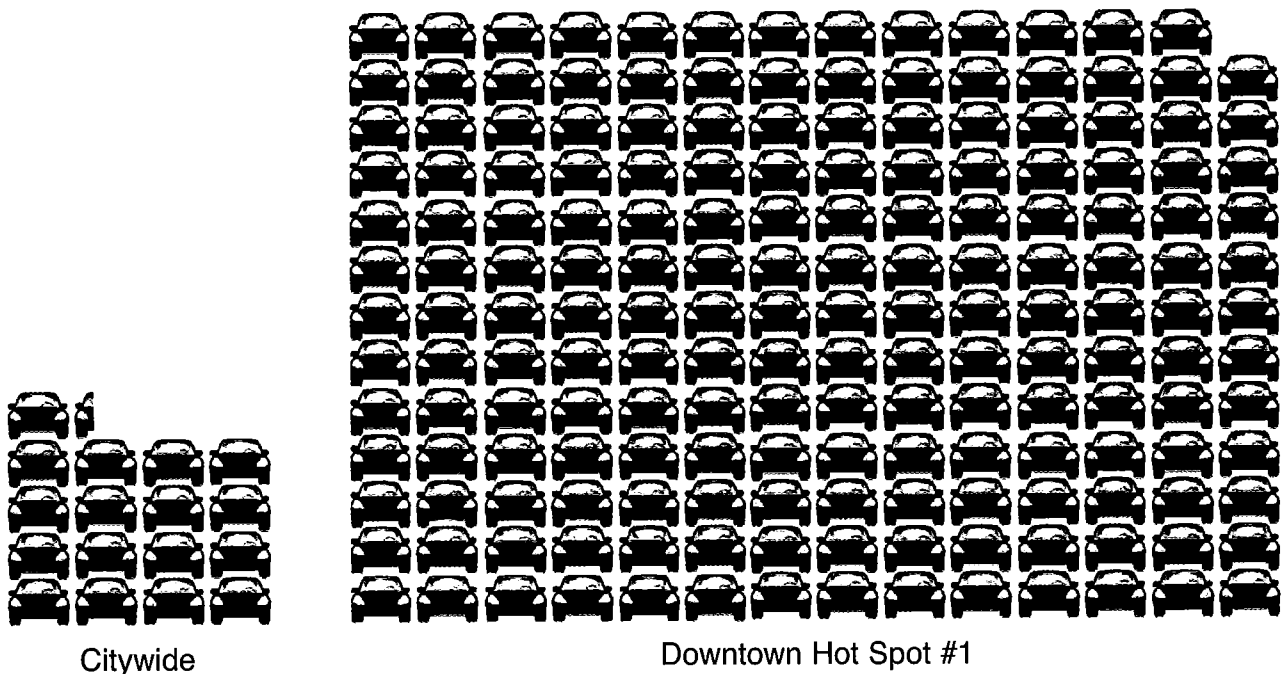
For the two year period ending December 31, 2010 . . .

NUMBER OF DUI ARRESTS, CITYWIDE:	3,114
NUMBER OF DUI ARRESTS, HOT SPOT #1:	181

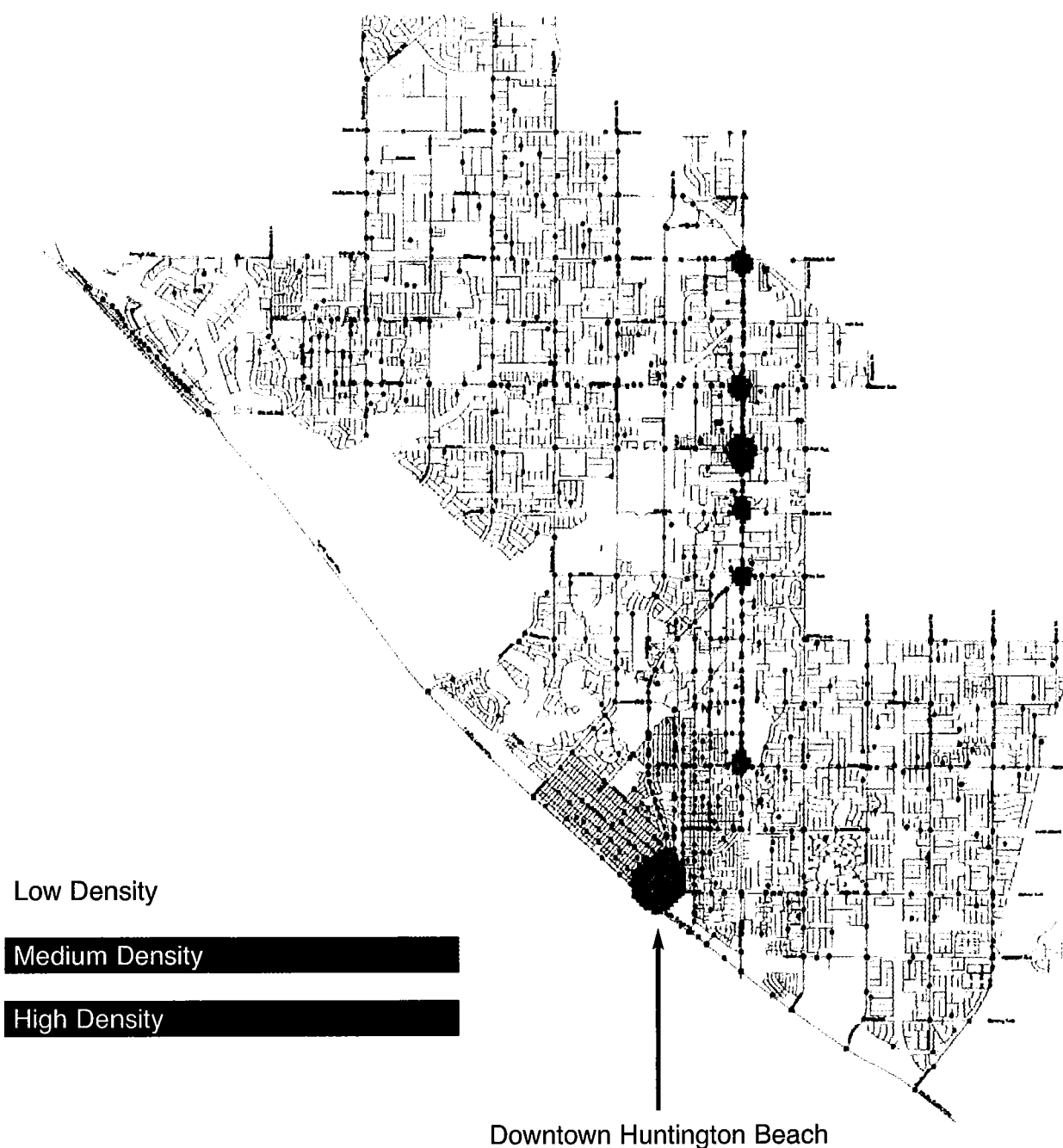
### CONCLUSION:

5.8% of all the DUI Arrests in Huntington Beach were made within Hot Spot #1. If this was scaled up to the size of the entire City, then the number of DUI arrests of 3,114 citywide would actually be . . . 32,580.

The Downtown area of Huntington Beach as represented by Hot Spot #1 has 10.5 times more DUI Arrests per square mile than the City as a whole.



## **HBPD Density Map - DUI Crime Data January 1, 2009 - October 31, 2010**



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### HBPD CRIME HOT SPOT #2: ALCOHOL RELATED ASSAULTS

For the two year period ending December 31, 2010 . . .

NUMBER OF ALCOHOL RELATED ASSAULTS, CITYWIDE:	848
NUMBER OF ALCOHOL RELATED ASSAULTS, HOT SPOT #2:	161

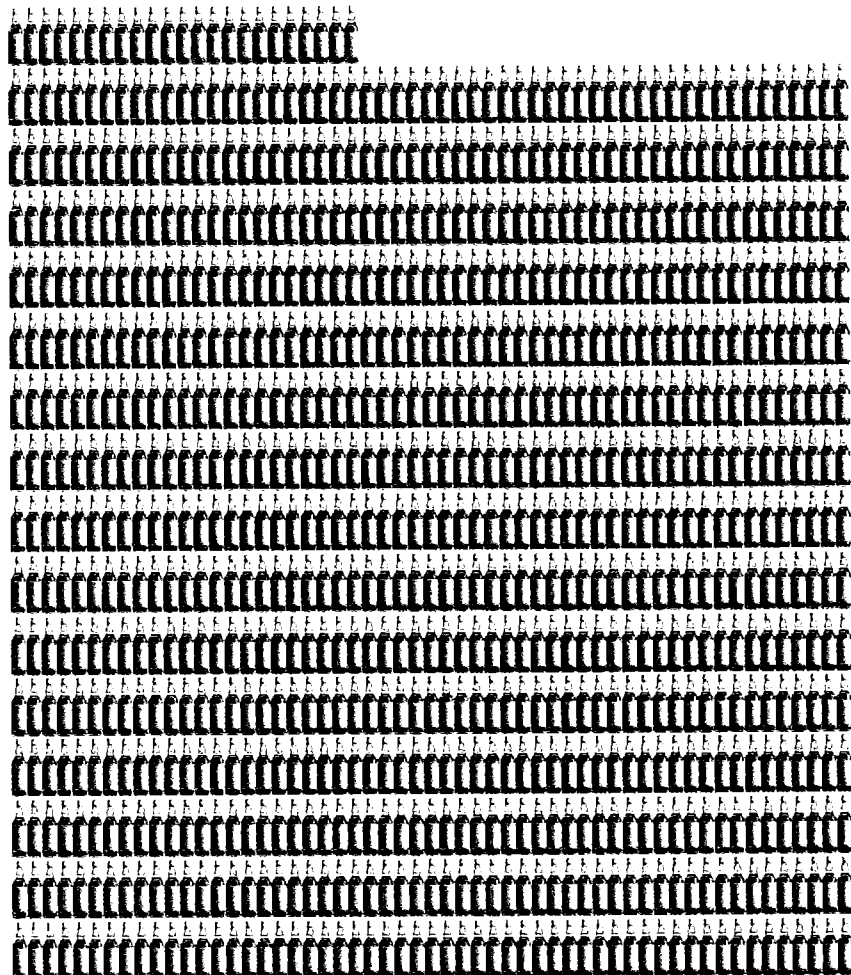
#### CONCLUSION:

19.0% of all the Alcohol Related Assaults in Huntington Beach were made within Hot Spot #2. If this was scaled up to the size of the entire City, then the number of Alcohol Related Assaults of 868 citywide would actually be . . . . 62,100.

The Downtown area of Huntington Beach as represented by Hot Spot #2 has 73.2 times more Alcohol Related Assaults per square mile than the City as a whole.



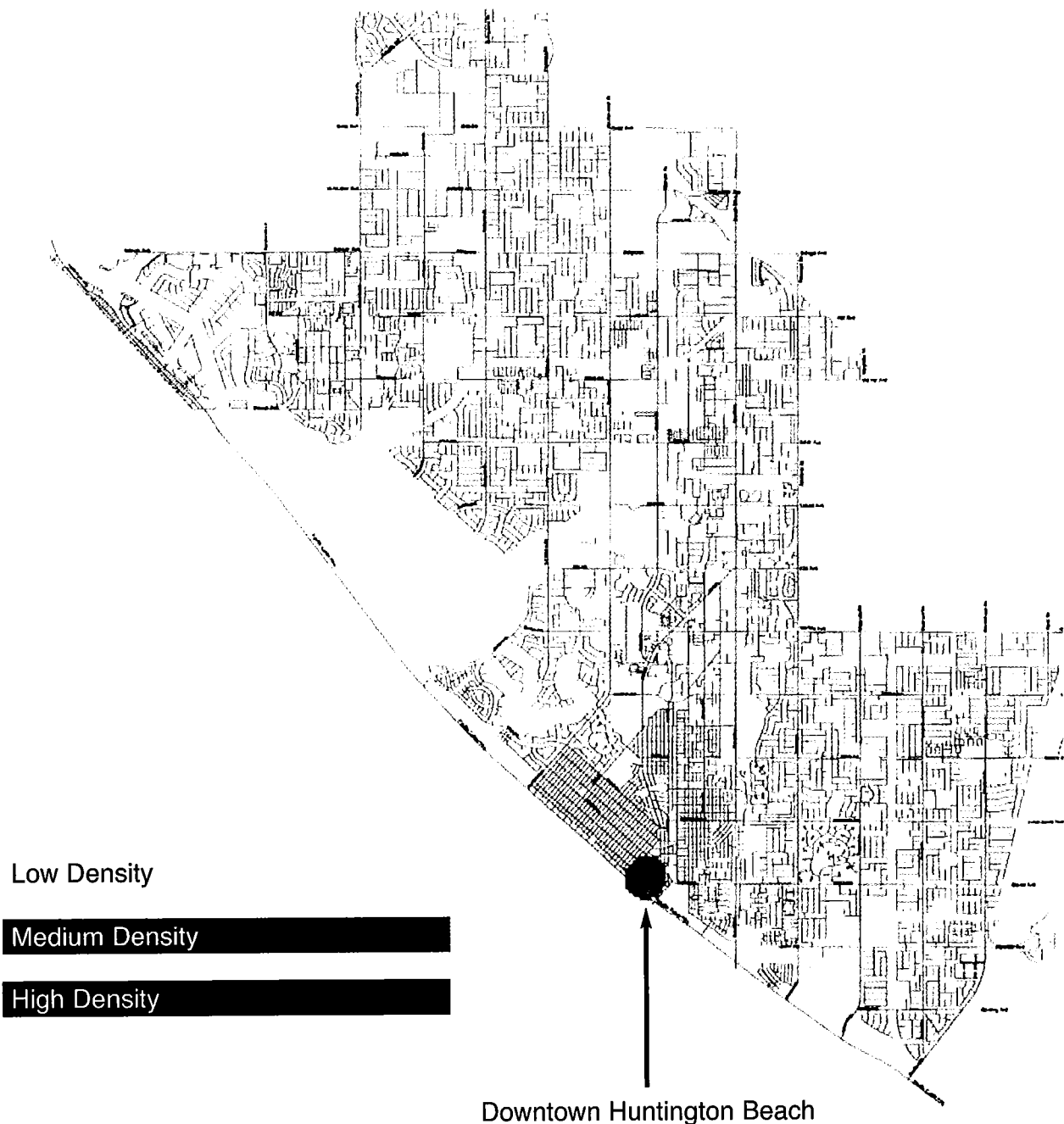
Citywide



Downtown Hot Spot #2



## **HBPD Density Map - Alcohol Related Assaults January 1, 2009 - October 31, 2010**



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### HBPD CRIME HOT SPOT #2: DRUNK IN PUBLIC ARRESTS

For the two year period ending December 31, 2010 . . .

NUMBER OF DRUNK IN PUBLIC ARRESTS, CITYWIDE:	1,588
NUMBER OF DRUNK IN PUBLIC ARRESTS, HOT SPOT #2:	561

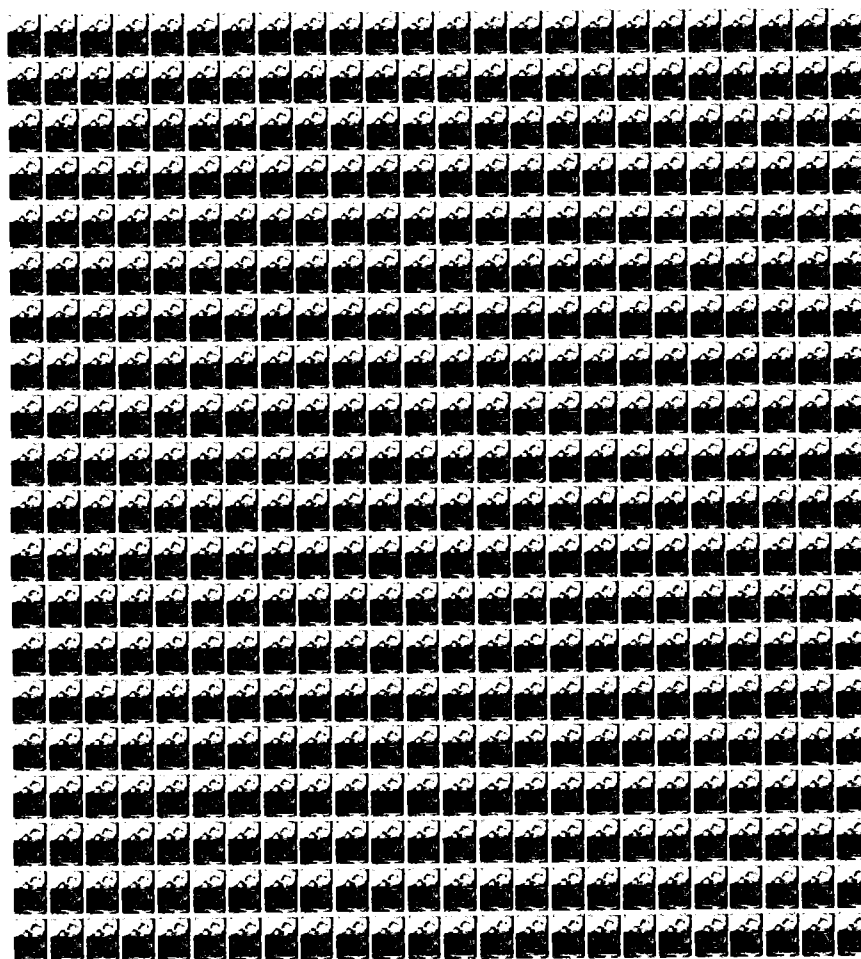
#### CONCLUSION:

35.3% of all the Drunk in Public Arrests in Huntington Beach were made within Hot Spot #2. If this was scaled up to the size of the entire City, then the number of Drunk in Public Arrests of 1,588 citywide would actually be . . . 216,386, more than the total number of residents in the City.

The Downtown area of Huntington Beach as represented by Hot Spot #2 has 136.3 times more Drunk in Public Arrests per square mile than the City as a whole.

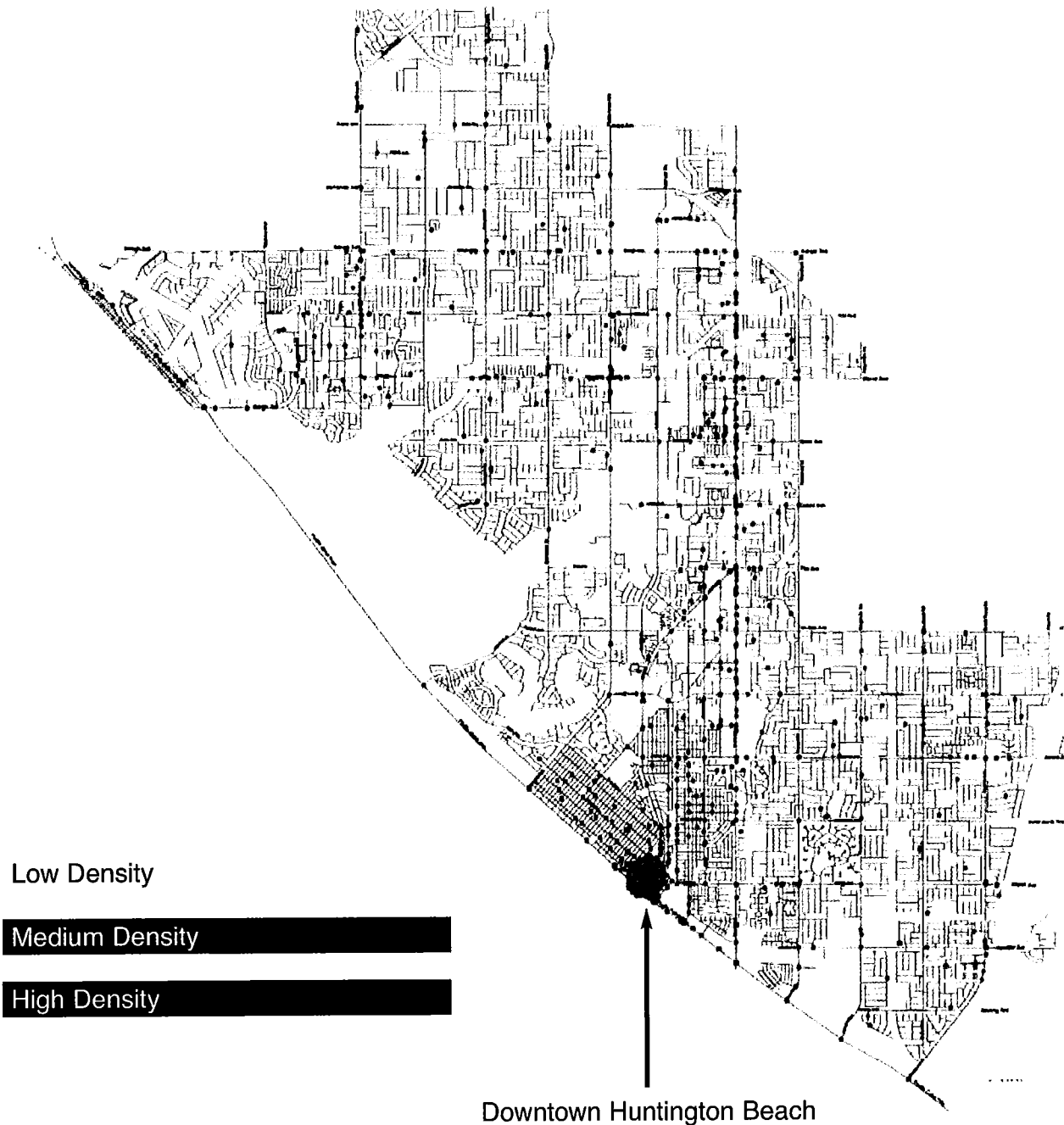


Citywide



Downtown Hot Spot #2

## **HBPD Density Map - Drunk in Public January 1, 2009 - October 31, 2010**



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### ALCOHOL LICENSES

The following information is from the California Department of Alcohol Beverage Control (ABC) as of January 26, 2011. The website is [www.abc.ca.gov](http://www.abc.ca.gov).

- 1) There are 437 Active or Pending Alcohol Licenses in the City of Huntington Beach.
- 2) There are 42 located in Downtown Huntington Beach as represented by HBPD Crime Hot Spot #1. See map below.
  - Red = Type 47 (includes 1 location Type 48 and 1 location Type 75)
  - Blue = Type 41 (includes 1 location Type 42)
  - Green = Type 21

#### DEFINITIONS:

Type 21: Off-Sale General (ie Liquor Stores)

**Type 41: On-Sale Beer and Wine for Bona Fide Public Eating Place**

Type 42: On-Sale Beer and Wine for Public Premises (Main Street Wine Co.)

**Type 47: On-Sale General for Bona Fide Public Eating Place**

Type 48: On-Sale General for Public Premises (Perq's Nite Club)

Type 75: On-Sale General Brew-Pub (HB Beer Company)



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- 3) If we consider just Types 41 and 47 licenses in the City of Huntington Beach . . .
- |              |            |
|--------------|------------|
| Citywide:    | 209        |
| Hot Spot #1: | 35 = 16.7% |

If we include Perq's Nite Club, HB Beer Company and Main Street Wine Company, which are not Type 41 or 47, but still serve alcohol . . .

Citywide:	209
Hot Spot #1:	38 = 18.2%

If we include the three (of four) Liquor Stores that are open until midnight or later on the weekends . . .

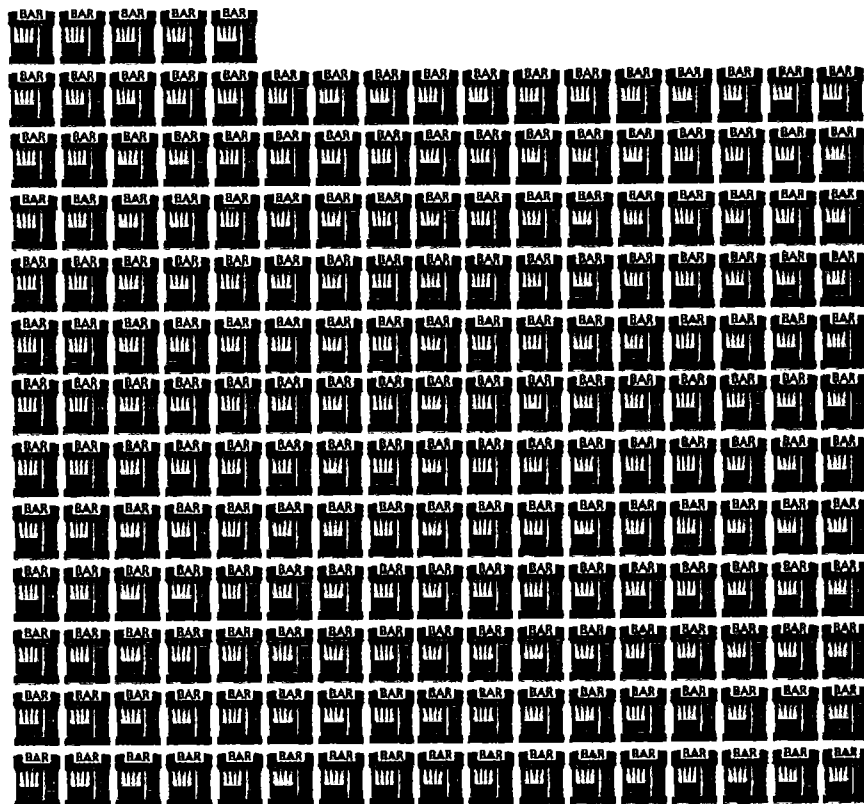
Citywide:	209
Hot Spot #1:	41 = 19.6%

- 4) If Hot Spot #1 was scaled up to the size of the entire City, then the number of "Type 41 and Type 47" alcohol licenses of 209 citywide would actually be 7,380.

The Downtown area of Huntington Beach as represented by Hot Spot #1 has 35.3 times more "Type 41 and Type 47" alcohol licenses per square mile than the City as a whole.



Citywide



Downtown Hot Spot #1

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## ABC REPORT

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The California Department of Alcohol Beverage Control (ABC) is the regulatory agency that administers the Alcohol Beverage Control Act in the State of California. Their website is [www.abc.ca.gov](http://www.abc.ca.gov).

### MISSION STATEMENT

The mission of the Department of Alcoholic Beverage Control is to administer the provisions of the Alcoholic Beverage Control Act in a manner that fosters and protects the health, safety, welfare, and economic well being of the people of the State.

### OUR BASIC PRINCIPLE

In cooperation with local communities, we will meet our licensing, enforcement and regulatory mandates with honesty, impartiality, and the highest degree of concern for the people of the State.

### OUR VISION

Through our commitment to serving the people of California and one another, we will become the recognized leader in effective and efficient licensing and law enforcement, and a model of excellence in government.

### BACKGROUND:

Under the Alcoholic Beverage Control Act, the ABC has provisions that allow a protest to the issuance of an ABC license (ie alcohol license), as well as other issues within ABC's purview. The protest is based on demonstrating an undue concentration of ABC licenses in a specific geography.

The guidelines established are per the Business and Professional Code (BPC), specifically Section 23958.4, which reads as follows:

*23958.4. (a) For purposes of Section 23958, "undue concentration" means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:*

*(1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.*

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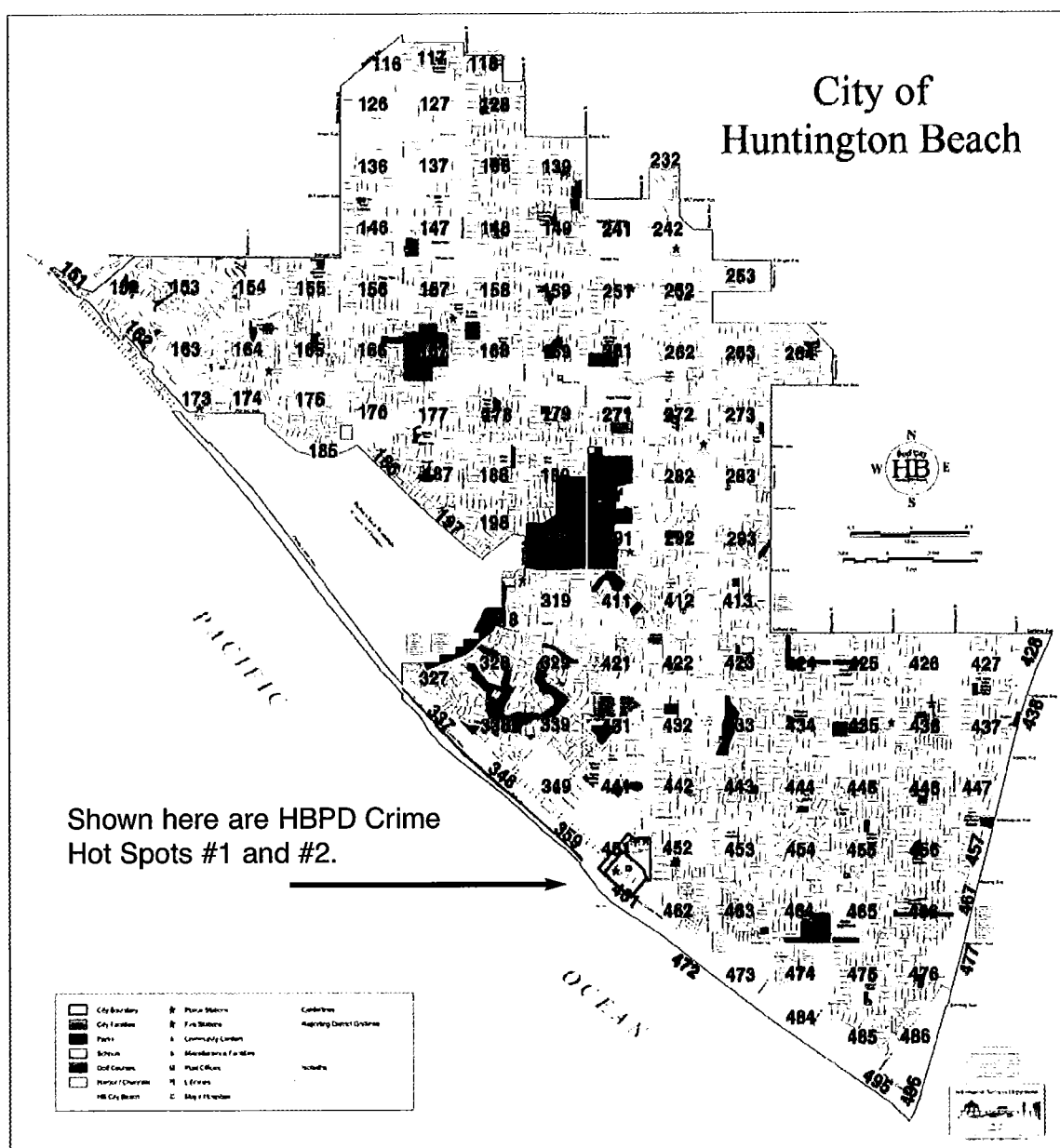
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## ABC REPORT

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The City of Huntington Beach is divided into 127 Crime Reporting Districts (CRD) as shown on the map below. The Downtown area, previously described as HBDRA Crime Hot Spots #1 and #2, is now defined as Crime Reporting Districts 451 and 461.

## 127 Crime Reporting Districts



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As stated in the Business and Professional Code, an ABC protest must establish that an ABC license is, or will be, located in a Crime Reporting District with a crime rate 20% greater than the average of all the other Crime Reporting Districts within the jurisdiction of the City.

The crimes considered for this analysis are called "Part 1" crimes and include the following:

- Criminal Homicide
- Forcible Rape
- Robbery
- Aggravated Assault
- Burglary
- Larceny Theft
- Motor Vehicle Theft

Here is a chart comparing the 2010 CRDs for Downtown Huntington Beach contrasted with the remaining 125 CRDs for the rest of City.

	<u>Downtown Average</u>	<u>Citywide Average</u>	<u>Percent Difference</u>
Criminal Homicide	0.0	0.016	NA
Forcible Rape	1.0	0.240	416.7%
Robbery	4.5	0.800	562.5%
Aggravated Assault	19.5	2.136	912.9%
Burglary	18.0	5.848	307.8%
Larceny Theft	235.0	25.200	932.5%
Motor Vehicle Theft	12.5	2.080	601.0%
<b>TOTAL</b>	<b>290.5</b>	<b>36.320</b>	<b>799.8%</b>



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The ABC also provides criteria for on-sale and off-sale alcohol licenses based on census data for cities as contrasted with the county in which they reside.

The Business and Professional Code Section 23958.4 reads as follows:

*23958.4. (a) For purposes of Section 23958, "undue concentration" means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:*

*(2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.*

*(3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.*

For the following statistics, the 2005-2009 ACS data was collected from the American Community Survey at: [http://factfinder.census.gov/home/saff/main.html?\\_lang=en](http://factfinder.census.gov/home/saff/main.html?_lang=en).

The map for tract 0993.11 was collected at:

<http://www.census.gov/geo/www/tiger/tgrshp2010/tgrshp2010.html>

### NUMBER OF (BPC SPECIFIED) ABC LICENSES FOR ORANGE COUNTY:

Off-Sale:	1,791
On-Sale:	3,853
Population:	2,976,831

### NUMBER OF (BPC SPECIFIED) ABC LICENSES FOR HB CENSUS TRACT 0993.11:

Off-Sale:	7
On-Sale:	38
Population:	3,782

Based on (3) above, Huntington Beach Tract 0993.11 which includes **the Downtown area of Huntington Beach has 307.6% more Off-Sale Alcohol Licenses per capita than Orange County.**

Based on (2) above, Huntington Beach Tract 0993.11 which includes **the Downtown area of Huntington Beach has 776.3% more On-Sale Alcohol Licenses per capita than Orange County.**

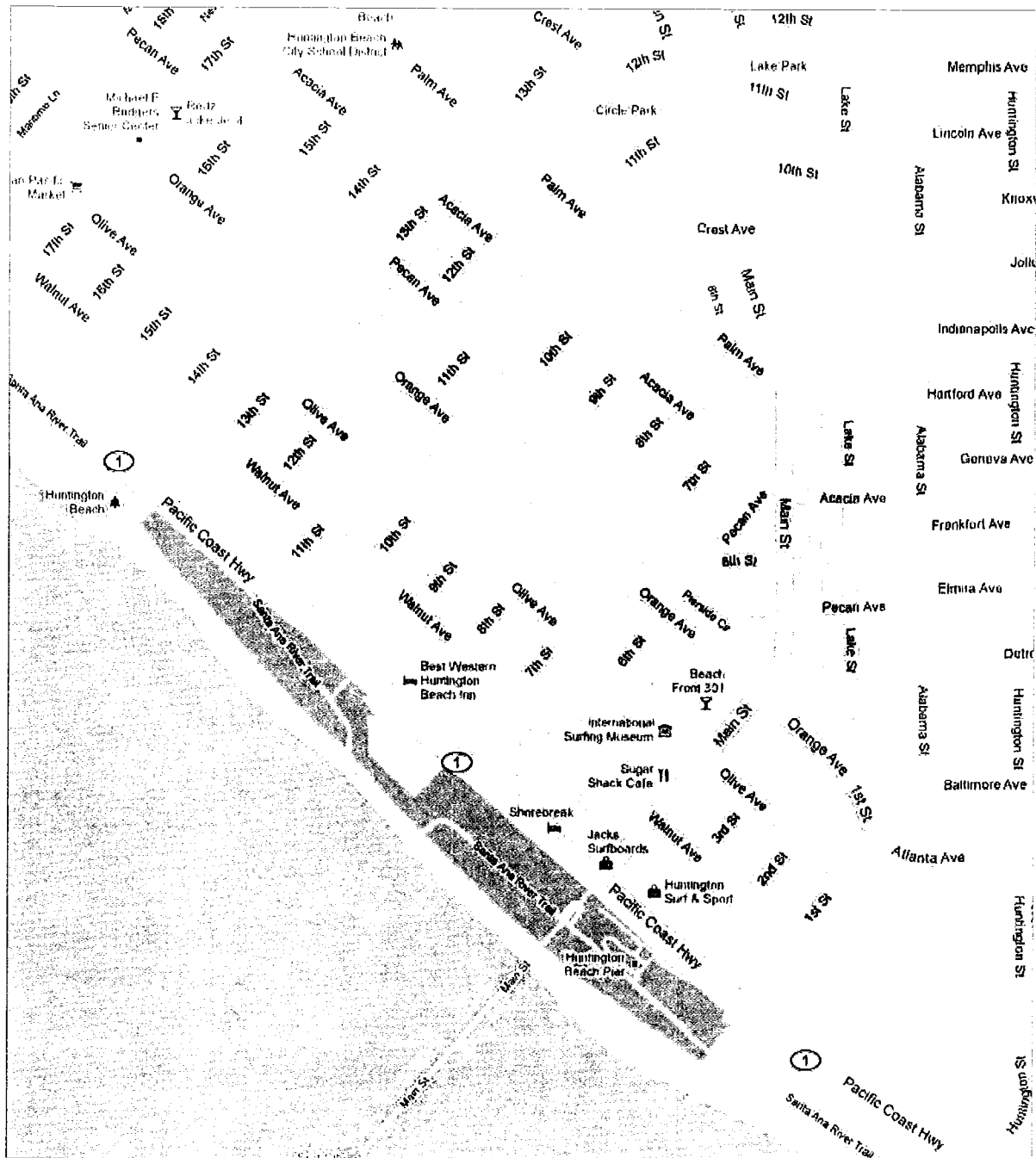
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## CENSUS TRACT 0993.11



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### CONCLUSION:

The ABC sets criteria for a Crime Reporting District to be 20% greater than the average of all other Crime Reporting Districts in the City (Part 1 crimes only), in order to consider the issuance or denial of an ABC license in a specific geography.

As shown on the preceding chart, the Downtown area of Huntington Beach, as defined by Crime Reporting Districts 451 and 461, has a rate of Part 1 crimes almost 800% greater than the rest of the City.

This is 40 times greater than that required by the California Department of Alcohol Beverage Control to deny an alcohol license.

Additionally, the City/County ratio for census criteria only calls for an "excess" in the location where the premises are located. Downtown Huntington Beach is in "excess" by over 700% and 300% respectively for on-sale and off-sale licenses.

The criteria considered by the ABC with respect to Part 1 crimes, does not consider all of the crimes perpetrated against the residents of Downtown Huntington Beach. These crimes occur 365 days a year, at all hours of the day and night, and are most prevalent during the summer months from June 1st thru September 30th.

Local residents deal with the Downtown Bar Scene late at night as patrons, exhibiting outrageous drunken behavior, return to their cars at 2:00am parked in the residential neighborhoods. Public acts of human vomit, urination, defecation, sex acts, theft, property damage, assaults, screeching tires, loud boisterous behavior, and drunks at your door at 3am are just some of the issues facing Downtown Residents on a ongoing basis.

In addition, Downtown is not a welcoming and safe place for residents from all over Huntington Beach, not just the Downtown Residents, and this includes the multitude of visitors and tourists to our City.

Huntington Beach has an out-of-control public safety issue as a direct result of the Downtown Entertainment District. Although the majority of these issues relate to nighttime activity, the public safety problems are evident at every hour of the day.

###

END OF REPORT

# HBDRA

The HBDRA was founded in 1994 as the Huntington Beach Downtown Residents Association. Today, we are a city-wide organization supporting residential quality of life issues throughout the City of Huntington Beach.

As a community coalition of residents, business and community leaders, we operate solely by member volunteers and are supported financially by donations.

Issues of concern to HBDRA include, but are not limited to:

- Quality of life for Huntington Beach residents
- Preservation of open space
- Preservation of historic and cultural resources
- Economic development and urban planning
- Quality of visitor (tourist) experiences
- Public safety for residents and visitors

The HBDRA supports economic development and preservation decisions that consider as paramount importance the quality of life for the citizens of Huntington Beach. Residential quality of life and sustainable economic growth and development are not mutually exclusive. The HBDRA believes the existing village concept for Huntington Beach and the future of Huntington Beach as an international tourist destination can co-exist creating a city respectful of its history, its citizens and its needs for economic viability.

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